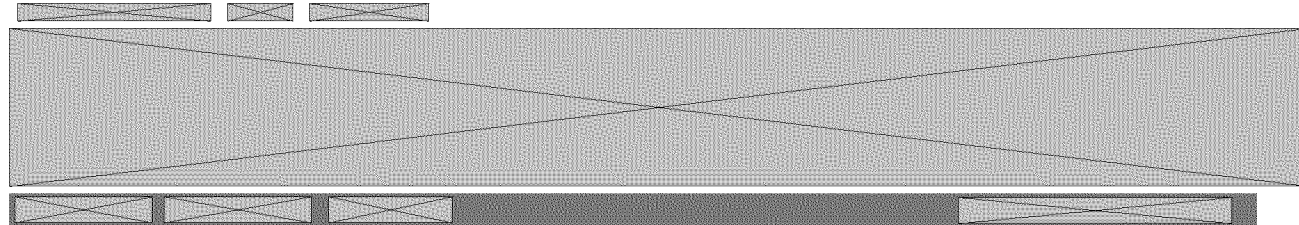


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August 18, 2015 - Number 159

## MY HEADLINES

### Advocacy Group Sues Massachusetts Company Over Stormwater

Clean Water Action has filed a citizen lawsuit in federal court in Boston seeking to compel a Massachusetts sand and gravel company to halt the allegedly illegal discharge of polluted stormwater into nearby wetlands and waterways (Clean Water Action v. Bond Construction Corp., D. Mass., No. 15-cv-13164-WGY, 8/14/15).

(Topic: water pollution; Topic: wetlands; Agency: Environmental Protection Agency)

### Alberta Establishes Advisory Climate Panel

Alberta has established a five-person panel with representatives from academia, industry and the aboriginal community to study climate change in the province and make recommendations to the government. The panel's advice will help form the foundation of Alberta's new proposal to address climate change, which will be in place before the United Nations international climate summit that starts Nov. 30 in Paris, the government said. "Climate change is a threat we all face, ...

(Topic: climate change)

### Alberta Limits Oil-Sands Water Use

Alberta's energy regulator restricted applications by oil and natural gas operators to withdraw water from the Athabasca River amid dry conditions in the province.

(Topic: oil and gas)

### Canada Study: Oil, Gas Pipelines Much Safer Than Rail

Pipelines are by far the safest method to move large amounts of oil and gas across North America, more than four times as safe as using rail cars, according to a study by a Canadian policy think tank.

(Topic: oil and gas)

### Court Denies Air Toxics Exemption for Power Plant

A federal appellate court denied a Colorado power company's motion to suspend its obligation to comply with toxic air pollutant standards for power plants while the Environmental Protection Agency responds to a recent U.S. Supreme Court decision (White Stallion Energy Ctr., LLC v. EPA, D.C. Cir., No. 12-1100, order issued 8/17/15).

(Topic: air pollution; Topic: climate change; Agency: Environmental Protection Agency; State: Colorado)

### EPA Inspector General Investigating Animas River Spill

will investigate the cause and EPA's response to the release of 3 million gallons of mining waste and sediment into the Animas River in southwest Colorado.

(Topic: wastewater; Topic: water pollution; State: Colorado; State: Utah)

The EPA Office of the Inspector General says it will investigate the cause and EPA's response to the release of 3 million gallons of mining waste and sediment into the Animas River in southwestern Colorado. The investigation, spurred by a congressional request, will involve preliminary research into the spill, caused when EPA workers accidentally unleashed the wastewater and sludge at the Gold King Mine on Upper Cement Creek near Silverton, Colo., the inspector general says. The plume of waste contained elevated levels of arsenic, cadmium, lead and mercury. [More »](#)

#### Green Groups Ask What's Next in EPA Methane Limits

As the Environmental Protection Agency gets ready to propose methane emission limits for new oil and natural gas wells, environmental groups are already asking what's next for existing sources.

As the EPA gets ready to propose methane emissions limits for new oil and natural gas wells, environmental groups are already asking what's next for existing sources. The agency's proposed standards for new and modified wells, expected sometime this month, are part of an Obama administration strategy to curb methane emissions by as much as 45 percent by 2025. What we hope to see from the administration in the next week or two are regulations for the oil and gas industry that begin to move us towards achieving that goal, which likely cannot v. E. meet unless existing sources of methane emissions are also regulated, an Environmental Defense Fund official says. [More »](#)

#### Lawsuit Seeks Curb on N.Y. Power Plant's Water Intake

Environmental group Soundkeeper Inc. has sued the New York Department of Environmental Conservation and National Grid Generation LLC to compel action on a permit that would allow the company to drill into potential oil-bearing layers of rock beneath the Chukchi Sea now that the company has a last piece of equipment nearby for emergency use. The Bureau of Safety and Environmental Enforcement grants the permit for drilling at the Burger prospect in waters north of Alaska. Shell began drilling July 30 under a conditional permit that allowed the work to begin but limited the depth of the drilling because there wasn't yet a capping stack handy to be deployed in the event of a loss of well control. [More »](#)

#### Louisiana LNG Projects Pose Minimal Environmental Impact: FERC

Two proposed liquefied natural gas projects in Louisiana could proceed with minimal detriment to the environment, the Federal Energy Regulatory Commission staff concluded in two separate environmental impact statements, both issued Aug. 14.

A Clean Water Act citizen suit seeking to address contaminated groundwater migrating from a Superfund site is barred as a challenge to an ongoing Superfund cleanup, a federal court in Nevada rules. The U.S. District Court for the District of Nevada says Section 106(h) of CERCLA strips courts of jurisdiction to hear a challenge to an ongoing Superfund cleanup. Maryland officials aren't exempt from disclosure under the state's Public Information Act because they don't constitute confidential commercial information, a Maryland circuit court judge ruled Aug. 14. The issue was raised in two separate but nearly identical cases brought by CSX Transportation based on mining and exploration association becomes the latest group to sue the EPA and the U.S. Army Corps of Engineers over the final clean water rule that takes effect in less than two weeks. In a complaint filed in the U.S. District Court for the District of Columbia, the Spokane, Wash.-based American Exploration & Mining Association accuses the EPA and the corps of violating the Regulatory Flexibility Act and the Administrative Procedure Act by promulgating the final rule. [More »](#)

the Delaware River and its tributaries, the Justice Department and the Environmental Protection Agency announced Aug. 17 (United States v. DELCORA, E.D. Pa., No. 2:15-CV-04652, filed 8/17/15).

(Topic: wastewater; Topic: water pollution; Agency: Environmental Protection Agency)

A federal appeals court denies a Colorado power company's motion to suspend its obligation to comply with toxic air pollutant standards for power plants while the EPA responds to a recent U.S. Supreme Court decision. The U.S. Court of Appeals for the District of Columbia Circuit says in its decision that the company has a last piece of equipment nearby for emergency use. The company has a last piece of equipment nearby for emergency use. The company has a last piece of equipment nearby for emergency use. [More »](#)

#### Small Mining Companies Sue EPA, Corps Over Water Rule

Advocacy groups sue EPA, Corps over water rule. Advocacy groups sue EPA, Corps over water rule. Advocacy groups sue EPA, Corps over water rule.

The EPA has failed to provide documents relating to tests used to develop an updated vehicle emissions simulator, two advocacy groups say in a Freedom of Information Act lawsuit. The groups say the EPA failed to provide documents relating to tests used to develop an updated vehicle emissions simulator, two advocacy groups say in a Freedom of Information Act lawsuit. The groups say the EPA failed to provide documents relating to tests used to develop an updated vehicle emissions simulator, two advocacy groups say in a Freedom of Information Act lawsuit. [More »](#)

## HIGHLIGHTS

### Water Act Lawsuit Barred as Challenge to CERCLA Cleanup

Clean Water Act citizen suit seeking to address contaminated groundwater migrating from a coal ash land site is barred as a challenge to an ongoing Superfund cleanup, a federal court in Nevada ruled. *Diamond X Ranch LLC v. Am. Richmond Co.*, No. BL 262423, D. Nev., No. 13-cv-00570, 2/10/15.

Topic: water pollution; Agency: Environmental Protection Agency

### Why Ethanol Wants to Help Big Oil: Market Share

Ethanol producers are hoping they can capitalize on Big Oil's misfortune. Agency: Environmental Protection Agency

### EPA Inspector General Investigating Animas River Spill

### Environmental Groups Ask What's Next in EPA Methane Limits

### Shell Gets Permit to Drill Deeply for Oil in Chukchi Sea

### Court Bars Water Act Lawsuit as Challenge to CERCLA Cleanup

### Small Mining Companies Sue EPA, Corps Over Clean Water Rule

### Court Denies Air Toxics Exemption for Colorado Power Plant

### Documents

Information Act lawsuit. The Urban Air Initiative Inc. and Energy Future Coalition are seeking documents related to the conduct and results of the EPA study, which was conducted with assistance from Chevron, Southwest Research Institute and the Coordinating Research Council, according to the complaint filed in the U.S. District Court for the District of Columbia. The advocacy groups argue that the study was the basis for erroneous emissions factors the EPA included in its revised Motor Vehicle Emission Simulator. [More »](#)

### Pennsylvania Utility Agrees to Control Sewer Overflows

A Pennsylvania water treatment plant agrees to a plan to control combined sewer overflows into the Delaware River and its tributaries, the Justice Department and the EPA announce. In a proposed consent decree filed with the U.S. District Court for the Eastern District of Pennsylvania, the Delaware County Regional Water Quality Control Authority, near Philadelphia, agrees to a plan that could cost up to \$200 million to control and reduce overflows from its sewer system to improve the quality of the Delaware River, Chester Creek and Ridley Creek. [More »](#)

### Alberta Limits Oil-Sands Water Use as Province Faces Dry Spell

Alberta's energy regulator restricts applications by oil and natural gas operators to withdraw water from the Athabasca River amid dry conditions in the province. The Alberta Energy Regulator also puts restrictions for temporary diversion licenses in place for the South Saskatchewan, Peace and Milk rivers and calls for voluntary restrictions from existing operators. [More »](#)

### Oil, Gas Pipelines Much Safer Than Rail, Canadian Study Finds

Pipelines are by far the safest method to move large amounts of oil and gas across North America, more than four times as safe as using rail cars, according to a study by a Canadian policy think tank. Analysis of data from Canada's Transportation Safety Board show the rate of incidents or accidents per million barrels of oil transported was more than 4.5 times higher for rail than for pipelines in the decade from 2003 to 2013, according to the Fraser Institute study. [More »](#)

### Soundkeeper Lawsuit Seeks Curb on N.Y. Power Plant's Water Intake

Soundkeeper Inc. sues the New York Department of Environmental Conservation and National Grid Generation LLC to compel action on a permit renewal

application that would limit the utility's cooling water intake from Long Island Sound. The petition, filed in state Supreme Court under the Clean Water Act and the state Environmental Conservation Law, seeks action on a five-year state pollution discharge elimination system permit review that it argues would compel the utility to upgrade its cooling system to replace a current "once-through" method to a lower-impact "closed-cycle" approach, as the legally required best technology available. [More »](#)

## ALSO IN THE NEWS

### WATER POLLUTION:

Clean Water Action files a citizen lawsuit seeking to compel a Massachusetts sand and gravel company to halt the alleged illegal discharge of polluted stormwater into nearby wetlands and waterways. [More »](#)

### NATURAL GAS:

Two proposed liquefied natural gas projects in Louisiana—the Sabine Pass LNG terminal and the Lake Charles LNG project—can proceed with minimal detriment to the environment, FERC staff concludes in two separate environmental impact statements. [More »](#)

### HAZMAT TRANSPORT:

Slower train speeds, more monitoring equipment, more frequent inspections and better emergency response plans are among the recommendations in a report on oil train safety released by the office of Pennsylvania Gov. Wolf. [More »](#)

## WEBINAR

### EMISSIONS TRADING:

Bloomberg BNA presents a webinar Sept. 25, "Don't Skip the Credits: The Oft-Overlooked Importance of Air Emission Credits in Mergers and Acquisitions," with Michael Scott Feeley and Aron Potash, of Latham & Watkins. CLE and CPE credits are available. Information is available at <http://www.bna.com/dont-skip-credits-m17179933676/>.

## Table of Contents

## NEWS

### AIR POLLUTION

Court denies air toxics exemption for power plant [A-1](#)

Groups sue EPA over vehicle modeling documents [A-5](#)

### CLIMATE CHANGE

Alberta establishes advisory climate panel [A-10](#)

### CLIMATE REGULATION

Green groups ask what's next in EPA methane limits [A-2](#)

### ENVIRONMENTAL REVIEWS

Fate of Shell Arctic homeport in Seattle begins litigation [A-8](#)

### HAZMAT TRANSPORT

Maryland judge orders disclosure of oil train data [A-10](#)

Pennsylvania issues crude-by-rail safety report [A-7](#)

### NATURAL GAS

Louisiana LNG projects pose minimal environmental impact: FERC [A-3](#)



## **OIL & GAS**

Shell gets permit to drill deeply for oil in Chukchi Sea [A-3](#)

Why ethanol wants to help big oil: market share [A-5](#)

## **PIPELINE SAFETY**

Canada study: oil, gas pipelines much safer than rail [A-4](#)

## **SUPERFUND**

EPA adds 21 sites, deletes 90 from waste docket [A-9](#)

Water act lawsuit barred as challenge to CERCLA cleanup [A-1](#)

## **TOXIC SUBSTANCES**

China vows swift inquiry into chemical blasts [A-10](#)

## **WATER POLLUTION**

Advocacy group sues Massachusetts company over stormwater [A-8](#)

EPA inspector general investigating Animas River spill [A-6](#)

Lawsuit seeks curb on N.Y. power plant's water intake [A-9](#)

Pennsylvania utility agrees to control sewer overflows [A-6](#)

Small mining companies sue EPA, corps over water rule [A-2](#)

## **WATER RESOURCES**

Alberta limits oil-sands water use [A-7](#)

## **REGULATORY AGENDA**

### **COMMENT DEADLINES**

Due dates for comments on pending rules and other actions [D-4](#)

### **AUGUST 18 FEDERAL REGISTER**

Entries from today's table of contents [D-1](#)

### **AUGUST 17 FEDERAL REGISTER**

Previous day's entries with page citations [D-2](#)

## **TABLE OF CASES**

Am. Exploration & Mining Ass'n v. EPA (D.D.C.) [A-2](#)

Clean Water Action v. Bond Construction Corp. (D. Mass.) [A-8](#)

Diamond X Ranch LLC v. Atl. Richfield Co. (D. Nev.) [A-1](#)

Soundkeeper, Inc. v. N.Y. State Dep't of Env'tl. Conservation (N.Y. Sup. Ct.) [A-9](#)

United States v. DELCORA (E.D. Pa.) [A-6](#)

Urban Air Initiative Inc. v. EPA (D. D.C.) [A-5](#)

White Stallion Energy Ctr., LLC v. EPA (D.C. Cir.) [A-1](#)

## Documents Available

Copies of documents referenced in this issue are available for a fee (\$27 for up to 200 pages) from Research & Custom Solutions. To order, call 800 372-1033; fax 703 341-1643; or e-mail [research@bna.com](mailto:research@bna.com).

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